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9 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA

12 OAKLAND DIVISION

13 UNITED STATES OF AMERICA,) No. CR-09-00775 SBA
14 Plaintiff,) STIPULATED REQUEST TO CONTINUE
15 v.) HEARING DATE TO FEBRUARY 7, 2012
16 JUAN OCTAVIANO LOPEZ,) AND TO EXCLUDE TIME UNDER THE
aka Juan Octavio Lopez Ortiz,) SPEEDY TRIAL ACT
aka Juan Lopez Gomez,)
aka Manuel Vargas, and) Date: January 24, 2012
17 GLENDY GOMEZ,) Time: 10:00 a.m.
aka Glendy Elizabeth Gomez,) Court: Hon. Saundra Brown
18) Armstrong
19)
20 Defendants.)
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22 The above-captioned matter is set on January 24, 2012 before this Court for status. The
23 parties request that the Court continue the hearing to February 7, 2012 at 10:00 a.m. and that the
24 Court exclude time under the Speedy Trial Act between January 19, 2012 and February 7, 2012.

25 The requested continuance will provide defendants' counsel with additional time to
26 evaluate the evidence in this case and determine whether or not defendants should enter a change
27 of plea or file motions and to prepare for trial in this matter. Specifically, new counsel was
28 recently appointed for defendant Lopez after his prior counsel withdrew. New counsel needs the

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1 continuance in order to review the discovery and the evidence, evaluate the plea agreement in
2 light of the discovery and the evidence, and to meet and confer with his client to discuss the
3 discovery and the evidence and to determine whether or not to prepare and file motions in this
4 case and/or to proceed to trial. Additionally, new lead counsel for the United States will be
5 taking over the prosecution of this matter. The requested continuance will allow new lead
6 counsel for the United States time to evaluate the evidence in this case, as well as the favorable
7 evidence provided by counsel for defendant Gomez. Although not relevant for purposes of the
8 requested time exclusion, the parties hope to reach plea agreements before February 7, 2012.
9 The extension is not sought for delay. The parties agree the ends of justice served by granting
10 the continuance outweigh the best interests of the public and the defendants in a speedy trial.
11 Therefore, the parties further stipulate and request that the Court exclude time between January
12 19, 2012 and February 7, 2012 under the Speedy Trial Act for effective preparation of counsel,
13 continuity of government counsel, and pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

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15 DATED: January 18, 2012

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18 /s/ _____
JAMES C. MANN
Assistant United States Attorney
19 Counsel for United States

ERIK G. BABCOCK
Counsel for Defendant Juan Octaviano
Lopez

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21 /s/ _____
RANDALL G. KNOX
22 Counsel for Glendy Gomez

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

11 UNITED STATES OF AMERICA,) No. CR-09-00775 SBA
12 Plaintiff,) ORDER GRANTING STIPULATED
13 v.) REQUEST TO CONTINUE HEARING
14 JUAN OCTAVIANO LOPEZ,) DATE TO FEBRUARY 7, 2012 AND TO
aka Juan Octavio Lopez Ortiz,) EXCLUDE TIME UNDER THE SPEEDY
aka Juan Lopez Gomez,) TRIAL ACT
aka Manuel Vargas, and)
15 GLENDY GOMEZ,) Date: January 24, 2012
aka Glendy Elizabeth Gomez,) Time: 10:00 a.m.
16) Court: Hon. Saundra Brown
17) Armstrong
18 Defendants.)

The parties jointly requested that the hearing in this matter be continued from January 24, 2012 to February 7, 2012 at 10:00 a.m., and that time be excluded under the Speedy Trial Act between January 19, 2012 and February 7, 2012.

23 The requested continuance will provide defendants' counsel with additional time to
24 evaluate the evidence in this case and determine whether or not defendants should enter a change
25 of plea or file motions and to prepare for trial in this matter. Specifically, new counsel was
26 recently appointed for defendant Lopez after his prior counsel withdrew. New counsel needs the
27 continuance in order to review the discovery and the evidence, evaluate the plea agreement in
28 light of the discovery and the evidence, and to meet and confer with his client to discuss the

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1 discovery and the evidence and to determine whether or not to prepare and file motions in this
2 case and/or to proceed to trial. Additionally, new lead counsel for the United States will be
3 taking over the prosecution of this matter. The requested continuance will allow new lead
4 counsel for the United States time to evaluate the evidence in this case, as well as the favorable
5 evidence provided by counsel for defendant Gomez. Although not relevant for purposes of the
6 requested time exclusion, the parties hope to reach plea agreements before February 7, 2012.
7 The parties agreed that the extension is not sought for delay. The parties further agreed the ends
8 of justice served by granting the continuance outweigh the best interests of the public and the
9 defendant in a speedy trial.

10 For these stated reasons, the Court finds that the ends of justice served by granting the
11 continuance outweigh the best interests of the public and the defendant in a speedy trial. Good
12 cause appearing therefor, and pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv),

13 **IT IS HEREBY ORDERED** that the hearing in this matter is continued from January
14 24, 2012 to February 7, 2012 at 10:00 a.m. before this Court, and that time between January 19,
15 2012 and February 7, 2012 is excluded under the Speedy Trial Act to allow for the effective
16 preparation of defense counsel, taking into account the exercise of due diligence.

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18 DATED: 1/23/12
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Saundra B Armstrong
HON. SAUNDRA BROWN ARMSTRONG
United States District Court Judge

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